

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Harry S. NICK, *et al.*

Serial No.: 09/856,766

Filed: May 24, 2001

For: MANGANESE SUPEROXIDE DISMUTASE  
REGULATORY ELEMENTS AND USES  
THEREFORE

Attorney Docket No.: **UFJ-002US**

Group Art Unit:

Examiner:

Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231

Certificate of Express Mailing

I hereby certify that the form, identified herein, is being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. **EL 916 825 362 US**, under 37 CFR 1.10, on the date indicated below and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231

August 28, 2001

Date

By: Nelson Barros  
Nelson F. Barros

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir or Madam:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated June 28, 2001, in connection with the above-referenced patent application, an executed *Declaration, Petition and Power of Attorney* and *Transmittal for Diskette Containing Sequence Listing* are submitted herewith.

We further enclose a check in the amount of \$319.00 to cover the surcharge fee set forth in 37 CFR 1.492(e) and additional claims fee, based on a small entity status, and a copy of the Notification of Missing Requirements.

09/17/2001 WCLAYBRO 00000001 09856766

01-FE-198

-319.00 OP

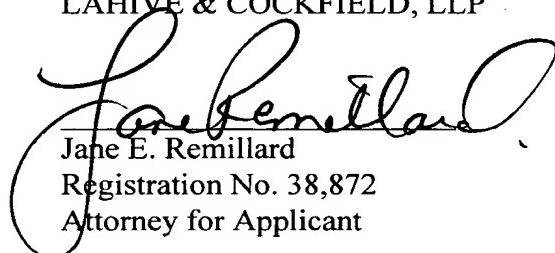
Adjustment date: 02/25/2002 UEDUWLF  
09/17/2001 WCLAYBRO 00000001 09856766  
01-FE-198 -319.00 OP

Re: Harry S. NICK, *et al*  
USSN 09/856,766

Please charge any additional fees or credit any overpayments associated with this correspondence to Deposit Account No. 12-0080. A duplicate copy of this paper is enclosed. If there are any problems, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

  
Jane E. Remillard  
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Date: August 28, 2001

02/25/2002 UEDUVIJE 00000124 09856766  
01 FC:967 9.00 OP  
02 FC:965 40.00 OP  
03 FC:969 135.00 OP

Repln. Ref: 02/25/2002 UEDUVIJE 0011034800  
DA#120080 Name/Number:09856766  
FC: 704 \$135.00 CR



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20331  
www.uspto.gov

U.S. APPLICATION NO.

09/856766

FIRST NAMED APPLICANT

NICK

ATTY. DOCKET NO.

UFJ-002US

INTERNATIONAL APPLICATION NO.

DOCKETED PCT/US99/28331

JANE E REMILLARD  
LAHIVE & COCKFIELD  
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BOSTON, MA 02109

*Aug 28, 2001 - Missing Reg. & Surcharge  
by Letter & Oath Sub.  
Jan 28, 2002 - ESP W/SEXT*

I.A. FILING DATE	PRIORITY DATE
30 NOV 99	30 NOV 98

DATE MAILED:

28 JUN 2001

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the I.B. to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):
  - U.S. Basic National Fee.  Indication of Small Entity Status.
  - Copy of the international application.  Translation of the international application into English.
  - Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.
  - Copy of Article 19 amendments.  Other:
  - Priority Document.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
  - U.S. Basic National Fee.  Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$319.00  as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)), or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed:  PCT/DO/EO/917  
 PTO-875  
 Notice of Defective Translation  
 PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

<i>A copy of this notice MUST be returned with this response.</i>	
RECEIVED LAHIVE & COCKFIELD DOCKET DEPT.	JUL 02 2001 <i>[Signature]</i>
Winston M Alvarado RETRIEVED Telephone: 703-305-6421 FORWARDED: <i>[Signature]</i>	

BEST AVAILABLE COPY